

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LAURA QUARLES, as the)	
Administratrix of the Estate of Gregory)	
Quarles, deceased,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:17-CV-308-WKW
)	
TENNESSEE STEEL HAULERS,)	
INC., <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On January 25, 2018, the Magistrate Judge filed a Recommendation. (Doc. # 32.) On February 8, 2018, Plaintiff Laura Quarles objected to the Recommendation. (Doc. # 33.) On February 20, 2018, Defendant Tennessee Steel Haulers, Inc., and Walter O. Griffin, Jr., responded to Plaintiff's objection. (Doc. # 35; Doc. # 36.) The court has conducted an independent and *de novo* review of those portions of the Recommendation to which objection is made. *See* 28 U.S.C. § 636(b). It is ORDERED as follows:

1. The Recommendation (Doc. # 32) is ADOPTED.
2. Plaintiff's objection to the Recommendation (Doc. # 33) is OVERRULED.
3. Plaintiff's motion to remand (Doc. # 19) is DENIED.

4. Defendant Walter O. Griffin¹ is DISMISSED from this case as fraudulently joined.

5. This case is referred back to the Magistrate Judge for further proceedings.

DONE this 29th day of March, 2018.

/s/ W. Keith Watkins
CHIEF UNITED STATES DISTRICT JUDGE

¹ Defendants Pedro H. Fernandez and Trans Texas Express, Inc., are not dismissed at this time. Their presence does not destroy diversity jurisdiction and, therefore, they cannot be said to have been improperly joined for the purpose of defeating removal on the basis of diversity jurisdiction. They are not precluded, however, from filing an appropriate motion for dismissal.